

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CHRISTOPHER M. COLL,  
Plaintiff,

v.

MIDDLESEX HOUSE OF  
CORRECTION, et al.,  
Defendants.

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Civil No. 20-10792-JCB

ORDER

June 3, 2020

Boal, M.J.

Plaintiff Christopher M. Coll (“Coll”), now in custody at the Middlesex Jail and House of Correction, filed a pro se civil rights complaint alleging, among other things, that he was injured while being transported for a court appearance.

By Memorandum and Order dated May 18, 2020, this Court ordered Coll to file (1) an amended complaint curing the pleading deficiencies and setting forth a plausible claim upon which relief may be granted and (2) a renewed Application with a copy of Coll’s prison account statement. Coll was advised that failure to comply with these directives within 28 days of the date of the Memorandum and Order, would subject this case to dismissal without prejudice.

Coll has now filed a motion for discovery. The one-page motion seeks a copy of the “security video in back of transport van from 12-5-19.” Docket No. 8. Coll’s attempt to seek discovery at this early stage of the case is premature. Rule 26(d) of the Federal Rules of Civil Procedure expressly states that a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except when otherwise authorized. Rule 26(f) provides

for a conference of the parties that includes the planning of discovery. Coll has not indicated whether he requested the video from the defendants and, if so, their response. In any event, this Court would not be inclined to order discovery at this early stage of the case.

Accordingly, Coll's motion for discovery is denied without prejudice. Plaintiff is reminded that he has until June 15, 2020, to respond to this Court's May 18, 2020 Memorandum and Order.

SO ORDERED.

/s/ Jennifer C. Boal  
JENNIFER C. BOAL  
United States Magistrate Judge